

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1618

ULRICH POSANSKI

APPLICATION NO: 10/623,928

EXAMINER: FUBARA, BLESSING M.

FILED: July 21, 2003

FOR: PHARMACEUTICAL COMPOSITIONS FOR SPARINGLY SOLUBLE
THERAPEUTIC AGENTS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis Corporation, a wholly owned subsidiary of Novartis AG and a company organized under the laws of the United States, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of the following chain of title:

- a) an assignment from the inventor to Ciba-Geigy Corporation, dated December 11, 1995, recorded on January 18, 2010 at Reel 023800/ Frame 0567; and
- b) the change of name from Ciba-Geigy Corporation to Novartis Corporation (a true and accurate copy of a certification by the Department of State of the State of New York, dated June 12, 1997, certifying, *inter alia*, that name change of Ciba-Geigy Corporation to Novartis Corporation, filed on December 31, 1996 was recorded on January 18, 2010 at Reel 023800/ Frame 0683).

Novartis Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer of the first to expire of any patent issuing from U.S. Application Nos. 10/961,785 and 10/623,887. Said U.S. Patent Applications are also assigned

to Novartis Corporation by virtue of the following title chains:

a) for U.S. Application No. 10/961,785:

i.) an assignment from the inventor to Ciba-Geigy Corporation, dated December 11, 1995, recorded on January 18, 2010 at Reel 023800/ Frame 0703; and

ii.) the change of name from Ciba-Geigy Corporation to Novartis Corporation (a true and accurate copy of a certification by the Department of State of the State of New York, dated June 12, 1997, certifying, *inter alia*, that name change of Ciba-Geigy Corporation to Novartis Corporation, filed on December 31, 1996 was recorded on January 18, 2010 at Reel 023800/ Frame 0721).

b) for U.S. Application No. 10/623,887:

i.) an assignment from the inventor to Ciba-Geigy Corporation, dated December 11, 1995, recorded on January 18, 2010 at Reel 023800/ Frame 0727; and

ii.) the change of name from Ciba-Geigy Corporation to Novartis Corporation (a true and accurate copy of a certification by the Department of State of the State of New York, dated June 12, 1997, certifying, *inter alia*, that name change of Ciba-Geigy Corporation to Novartis Corporation, filed on December 31, 1996 was recorded on January 18, 2010 at Reel 023800/ Frame 0739


Novartis Corporation hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent issuing from U.S. Application 10/961,785 or 10/623,887 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis Corporation does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of the first to expire of any patents issuing from U.S. Application Nos. 10/961,785 and 10/623,887 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 25th day of January, 2010 by the undersigned attorney of record.

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